



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 1, 2005

Date of Meeting: September 27, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:31 p.m. on Tuesday, September 27, 2005, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra
Carol W. West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein
Michael Rankin
Kathleen S. Detrick
Liz R. Miller

City Manager
City Attorney
City Clerk
Assistant City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Kathleen S. Detrick, City Clerk, after which the pledge of allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup reported a number of awards were received by the City of Tucson Finance Department from the Government Finance Officers Association. "Certificates of Achievement for Excellence in Financial Reporting" were presented to Scott Douthitt, Director of Finance. Awards of Financial Reporting Achievement were also presented to Mike Hermanson, Retirement Manager, and Joyce Garland, Finance Manager.
- b. Mayor Walkup announced the City of Tucson achieved a place on the list of the Top 25 Arts Destinations in the country by *American Style Magazine's* annual reader's poll. Karen Thoreson, Assistant City Manager accepted the award.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 528, dated September 27, 2005 would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West invited the public to attend a Ward 2 Town Hall on September 28, 2005, on Methamphetamine Use - Call to Action for Neighborhoods. She also announced Ward 2 would host a Town Hall on October 6, 2005 at Eastside City Hall, on Expenditure Limitations Home Rule Option. Additionally, Ward 2 would be conducting a downtown Rio Nuevo Tour on October 8, 2005. The tour was scheduled to leave Eastside City Hall at 9:00 a.m. via Sun Tran and would return at 2:00 p.m.
- b. Vice Mayor Dunbar announced Ward 3 would hold a town hall on the Home Rule Expenditure Limit with City Manager Mike Hein at the Ward 3 Council Office on September 29, 2005.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 529, dated September 27, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. The City of Tucson has received the Tenth Annual Achievement of Excellence in Procurement Award for 2005. Tucson had the highest score of all applicants and was one of only six cities to receive this award ten times.
- b. The League of Cities and Towns had a meeting regarding Alternative Expenditure Limitations and the Home Rule Option, at which Jim Cameron, Director of Budget and Research, gave an excellent presentation.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 531, dated September 27, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

NOTE: There were no applications for new licenses scheduled for this meeting.

c. Special Event

- 1. St. Cyril of Alexandria Parish, Ward 6
4725 E. Pima Street
Applicant: Jake A. Herrera
City T81-05
Date of Event: October 13, 14, 15, 16, 2005
Fundraiser for Parish & School
Staff has indicated the applicant is in compliance with city requirements.
- 2. Southern Az. Assoc. for the Visually Impaired (SAAVI), Ward 3
3767 E. Grant Road
Applicant: Michael O. Gordon
City T82-05
Date of Event: October 7, 2005
Fundraising
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protests Filed
Considered Separately

3. Congress Street Historic Theatres Foundation, Ward 6
318 E. Congress Street
Applicant: Douglas William Biggers
City T85-05
Date of Event: October 8, 2005
Downtown live music event
Staff has indicated the applicant is in compliance with city requirements.
4. Tucson Medical Center Foundation, Ward 1
3645 W. Starr Pass Blvd.
Applicant: Colleen Hillary Cullison
City T86-05
Date of Event: October 7, 2005
Fundraiser for Children's Miracle Network at TMC
Staff has indicated the applicant is in compliance with city requirements.
5. Tucson Medical Center Foundation, Ward 1
3800 W. Starr Pass Blvd.
Applicant: Colleen Hillary Cullison
City T87-05
Date of Event: October 7, 2005
Fundraiser for Children's Miracle Network at TMC
Staff has indicated the applicant is in compliance with city requirements.
6. The University of Arizona Foundation, Ward 6
1301 E. University Blvd.
Applicant: Dana L. Wier
City T90-05
Date of Event: October 1, 2005
Recognition of participants in Campaign Arizona
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c1 and 5c3 through 5c6 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event

2. Southern Az. Assoc. for the Visually Impaired (SAAVI), Ward 3
3767 E. Grant Road
Applicant: Michael O. Gordon
City T82-05
Date of Event: October 7, 2005
Fundraising
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protest Filed

Kathleen S. Detrick, City Clerk, announced the item to be considered separately was Liquor License Application 5c2, a request for a special event by the Southern Arizona Association for the Visually Impaired (SAAVI), located in Ward 3.

Vice Mayor Dunbar asked if the protestor was present. There was no one. Vice Mayor Dunbar explained to the Council that the Southern Arizona Association for the Visually Impaired (SAAVI) came up with a unique idea for a fundraiser. Unfortunately, it was disrupting the neighborhood. In working with the Ward 3 Council Office and the neighborhood, they found another location for the event. The neighborhood had allowed them to continue in September and October, and the event would move to the other location in November. She stated that even though the license stated it is for November, it is just for October and the event would then be moved to the other location.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c2 to the Arizona State Liquor Board with a recommendation for approval.

Ms. Detrick clarified that the applicants withdrew their request for November.

6. CONSENT AGENDA – ITEMS A THROUGH I

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S04-115) ACE COMMONS, LOTS 1 TO 5 AND COMMON AREA "A"
1. Report from City Manager SEPT27-05-525 WARD 4
 2. Resolution No. 20185 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-115 of a final plat for the Ace Commons Subdivision, Lots 1 to 5 and Common Area "A"; and declaring an emergency.
- B. FINAL PLAT: (S04-115) ACE COMMONS SUBDIVISION, LOTS 1 TO 5 AND COMMON AREA "A"
1. Report from City Manager SEPT27-05-526 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- C. REAL PROPERTY: AUTHORIZATION TO ACQUIRE PROPERTY LOCATED AT 1099 EAST BROADWAY BOULEVARD FOR FUTURE RIGHT-OF-WAY PURPOSES
1. Report from City Manager SEPT27-05-527 WARD 6
 2. Resolution No. 20186 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at 1099 East Broadway Boulevard for future right-of-way purposes; and declaring an emergency.
- Item C was continued for two weeks at the request of staff.
- D. GRANT APPLICATION AND AGREEMENT: WITH THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR CITY LIBRARY DEVELOPMENT
1. Report from City Manager SEPT27-05-533 CITY-WIDE AND OUTSIDE CITY
 2. Resolution No. 20188 relating to Library Agreements; authorizing and approving the execution of the grant application and agreement between the City of Tucson and the Arizona State Library, Archives and Public Records for a \$27,177 State Grants-In-Aid: City Library Development; and declaring an emergency.

- E. GRANT APPLICATION AND AGREEMENT: WITH THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR COUNTY LIBRARY DEVELOPMENT
1. Report from City Manager SEPT27-05-534 CITY-WIDE AND OUTSIDE CITY
 2. Resolution No. 20189 relating to Library Agreements; authorizing and approving the execution of the grant application and agreement between the City of Tucson and the Arizona State Library, Archives and Public Records for a \$25,000 State Grants-In-Aid: County Library Development; and declaring an emergency.
- F. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF ORO VALLEY FOR LIBRARY SERVICES
1. Report from City Manager SEPT27-05-537 CITY-WIDE
 2. Resolution No. 20190 relating to library services; approving the Intergovernmental Agreement between the City of Tucson and the Town of Oro Valley for library services for fiscal year 2004-2005, 2005-2006, and 2006-2007; and declaring an emergency.
- G. EMERGENCY MANAGEMENT: DESIGNATION OF THE DIRECTOR OF FINANCE AS THE APPLICANT AGENT TO THE ARIZONA DIVISION OF EMERGENCY MANAGEMENT FOR THE HURRICANE KATRINA RELIEF EFFORT
1. Report from City Manager SEPT27-05-535 CITY-WIDE
 2. Resolution No. 20191 relating to emergency management and disaster relief; authorizing the designation of an agent to obtain reimbursement of funds expended by the City of Tucson in connection with Operation Good Neighbor; and declaring an emergency.
- H. APPROVAL OF MINUTES
1. Report from City Manager SEPT27-05-536 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on September 7, 2005.

I. COMMUNITY SERVICES: AMENDING THE FISCAL YEAR 2006 TO 2010 CITY OF TUCSON, PIMA COUNTY CONSOLIDATED PLAN AND 2006 ANNUAL ACTION PLAN TO PROVIDE FUNDING FOR THE HURRICANE KATRINA RELIEF EFFORT

1. Report from City Manager SEPT27-05-538 CITY-WIDE
2. Resolution No. 20192 relating to Community Services; approving the amendment to Fiscal Year 2006-2010 City of Tucson / Pima County Consolidated Plan and 2006 Annual Action Plan; and declaring an emergency.

It was moved by Council Member Ronstadt, duly seconded, that Consent Agenda Items A through I, with the exception of Item C, which would be continued for two weeks, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through I, with the exception of Item C, were declared passed and adopted by a roll call vote of 7 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for twenty minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. Michael Toney spoke about the use of accelerator colliders for creating electrical energy and thought they should be considered for use as they were better than using gasoline.
- b. Kara Karlson, representing the University of Arizona College Republicans, commented she felt Council Member Leal's intended use of forty-two thousand dollars of City funds for an unopposed election was inappropriate and the money could be spent on more important uses such as salaries and sidewalks.

- c. Sean Small, member of the University of Arizona College Republicans, commented that Council Member Leal's intended use of forty-two thousand dollars was a waste of taxpayers' money, as the Ward 5 race was unopposed and was therefore unnecessary.
- d. Alice Trimble felt that Council Member Leal's intended use of forty-two thousand dollars was an abuse of the public trust.
- e. Tyler Robbins, a seventh grade student at Amphitheater Middle School, requested donations to the Amphitheater Middle School Clothing Bank Drive to buy new clothes for disadvantaged families in order to increase the children's self esteem.
- f. Candace Kломann requested that Council Member Leal use the forty-two thousand dollars of public funds he intended to receive on other uses. She said she would call Council Member Leal regarding the intended use of funds.

Mike Rankin, City Attorney, reminded the Council and the audience that under Call to the Audience, the Open Meeting Law prevented an interaction or discussion between the Mayor and Council Members and the members of the public. The Council was restrained to just hearing the comments at the meeting.

- g. John Kromko suggested the City Clerk change the policy of printing the early ballot request affidavit on the envelope. He said the practice did not provide any confidentiality to the voter and it should be a removable attachment like the County provided.

Mayor Walkup told the City Attorney that in the past, when any member of the Council had been singled out by people during the Call to the Audience, the Council Member was given a chance to respond if they chose to do so. He asked Mr. Rankin if he concurred with that.

Mr. Rankin concurred. He said the individual Council Member had the opportunity to respond to individually directed criticism that might have been made during the Call to the Audience, but what could not occur was back and forth discussion.

Mayor Walkup gave Council Member Leal the opportunity to respond to the speaker.

Council Member Leal replied he would give Ms. Kломann a call the following day.

8. PUBLIC HEARING: MISSION PLACE NO. 1 ANNEXATION DISTRICT

Mayor Walkup announced City Manager's communication number 523, dated September 27, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed Mission Place Number 1 Annexation District. The public hearing was scheduled to last for no more than one hour. Speakers would be limited to five-minute presentations. Mayor Walkup asked if anyone wished to address the Council on this item.

Michael Toney commented on the proposed annexation. He stated fifty percent was set aside for open space and that there was a distinction between cluster and open space. He said he reviewed the information on the annexation and noted the perpetual abutment of the lots along the wash in the upper part of the map. He felt the watershed needed special protection and special consideration, as it was a type of corridor. He also acknowledged the fact that Tucson had changed considerably in the last couple hundred years with the drop in the water table. There were places that were not as lush as they used to be. It was his desire to see the water table elevated back up and to see the rebound, which they did not know about until Council Member West made her slide show presentation, showing that in fact there was a rebound for the water table.

Mr. Toney said it was something Governor Napolitano had not considered and thought Vice Mayor Dunbar was aware of the chaos at the State Legislature due to short staffing. They might have cared but something was stopping them from considering what had happened especially with population growth. To thin out the development, they might need to localize houses. He thought it made sense to keep development and ground covering next to the wash to a minimum. He suggested a seventy-five to one hundred foot setback from that, which would mean the houses would locate up further from the wash.

Mr. Toney said the situation in New Orleans might have been a five hundred year flood and he was aware the federal government operated on a one hundred year floodplain which did not make sense. Five hundred year floods were dispersed around the planet plus the storms had gotten heavier. He said the same thing could happen here like the monsoons. Given the County's position, his major concern was the ground area immediately abutting the wash. It should be given special protection, especially for any future annexations being considered. He thought the ground cover and asphalt should be kept down to a minimum, just to keep it away. He knew that was not how it happened on River Road.

Robert Seymour said he was speaking for the thousands of years of Hohokom archaeological history that would be destroyed following the development if annexed. He said he was speaking for the flora fauna subspecies or documented or endangered species that would not be given a voice, because they would be pushed away or destroyed by bulldozers. He also said he was speaking for his business, his home, his house and his way of life that would be altered forever. He told the City they referred to those parties as his neighbors. However, they had no intention on living there. They had no intention

but in developing and doing multi-house cluster in an area that should be left alone. It should be made into a park or a reserved area. He urged the Council not to approve the proposed annexation. He added he had been fighting this annexation for about twelve years.

Mayor Walkup asked if there was anyone else who wished to address the Council. There was no one.

It was moved by Council Member Ronstadt, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0 that staff be directed to proceed with the Mission Place No. 1 Annexation District.

9. ZONING: (C9-05-16) HOGE – NEBRASKA STRAVENUE, I-1 TO R-1, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager’s communication number 524, dated September 27, 2005, would be received into and made a part of the record. This was a request to rezone property located on the north side of Nebraska Stravenue, between Bantam Road and Madison Stravenue. He also announced the Zoning Examiner and City Manager recommended approval, subject to certain conditions. He asked if the applicant or representative was present and if they were aware of and agreeable to the proposed requirements.

Carl Winters, representing the applicant, said they were aware of and agreeable to the proposed requirements.

Mayor Walkup asked the City Clerk to read Ordinance 10200 by number and title only.

Ordinance No. 10200 relating to zoning: amending the zoning district boundaries on the area located on the north side of Nebraska Stravenue, between Bantam Road and Madison Stravenue in Case C9-05-16, Hoge – Nebraska Stravenue, I-1 to R-1; and setting an effective date.

Kathleen S. Detrick, City Clerk, announced a clerical correction to the Ordinance. In Section 1, the date at the end of the sentence read August 25, 2005. It should read September 27, 2005. Ms. Detrick said that was the date referred to as when the Mayor and Council adopted the Ordinance, which would be the present date, if adopted. The same correction would be made on Exhibit A to the Ordinance, which also reflected the incorrect date.

It was moved by Council Member Leal, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10200, with the corrections as noted by the City Clerk.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Ordinance 10200, with clerical corrections, was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (C9-05-14) KB HOME – 22ND STREET, RX-1 TO R-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager’s communication number 532, dated September 27, 2005 would be received into and made a part of the record. This was a request to rezone property located on Twenty-Second Street, east of Prudence Road. Mayor Walkup also announced the Zoning Examiner and the City Manager recommended approval, subject to certain conditions. He asked if the applicant or representative was present and if they were aware of and agreeable to the proposed requirements.

Linda Morales, The Planning Center, representing the applicant, said they were aware of and agreeable to the proposed requirements.

Mayor Walkup asked the City Clerk to read Ordinance 10201, by number and title only.

Ordinance No. 10201 relating to zoning: amending zoning district boundaries in the area located on the north side of 22nd Street, approximately 600 feet east of Prudence Road in Case C9-05-14, KB Home – 22nd Street, RX-1 to R-2; and setting an effective date.

It was moved by Council Member West, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10201.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Ordinance 10201 was declared passed and adopted by a roll call vote of 7 to 0.

11. DEVELOPMENT SERVICES: APPROVING CONSTRUCTION PERMIT FEE CREDITS FOR INSTALLATION OF CERTAIN SOLAR ENERGY SYSTEMS

Mayor Walkup announced City Manager's communication number 540, dated September 27, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20193, by number and title only.

Resolution No. 20193 relating to development; approving construction permit fee credits for installation of certain Solar Energy Systems; and declaring an emergency.

Vice Mayor Dunbar said what the Council was about to do was provide financial incentives for the installation of solar devices, to advance solar energy to benefit City residents.

It was moved by Vice Mayor Dunbar, duly seconded, to pass and adopt Resolution 20193.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he called for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Resolution 20193 was declared passed and adopted by a roll call vote of 7 to 0.

12. TUCSON CODE: AMENDING (CHAPTER 27) RELATING TO ADOPTION OF THE DIAMOND BELL ISOLATED WATER SYSTEM FEE

Mayor Walkup announced City Manager's communication number 539, dated September 27, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10202, by number and title only.

Ordinance No. 10202 relating to Water; authorizing the adoption of a Diamond Bell Isolated Water System fee by amending Chapter 27, Article II, Section 27-36(b) of the Tucson Code by adding Section 27-36(b)(3); and declaring an emergency.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 10202.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Ordinance 10202 was declared passed and adopted by a roll call vote of 7 to 0.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 530, dated September 27, 2005, would be received into and made a part of the record. He asked if there were any personal appointments to be made. There were none.

14. ADJOURNMENT 6:13 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, October 4, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 27th day of September 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sac:rm